

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Greif, Inc.,**

**Plaintiff,**

**vs.**

**Gary M. Corte,**

**Defendant.**

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**Case No. 2:08cv509**

**Judge Sargus**

**Magistrate Judge Abel**

**AGREED PROTECTIVE ORDER**

Plaintiff, Greif, Inc. ("Greif"), and Defendant, Gary M. Corte ("Corte"), by and through counsel, announce to the Court their agreement to the entry of this Protective Order regarding certain information which contains proprietary or confidential information. The subject items are to be produced in response to Corte's Requests for Production of Documents.

The parties hereby acknowledge the limitations on the disclosure and use of such information and hereby agree to the terms of this Protective Order.

IT IS, THEREFORE, ORDERED that documents produced by Greif and marked as "Confidential" shall be treated as confidential and may only be used by parties or their attorneys in the preparation and prosecution of this action. Said documents shall not be disclosed to other persons without leave of this Court and upon finding that such document or documents do not contain such proprietary or confidential information or that the harm ensuing from such disclosure is insubstantial and outweighed by the public good. The documents may be disclosed to experts and

other counsel retained by Corte to assist in the prosecution of this litigation and clerical personnel employed by counsel to assist in the prosecution of this litigation. The documents shall not be copied or disseminated to persons other than experts and other counsel retained by Corte or clerical personnel employed by any counsel to assist in the prosecution of this litigation. In advance of disclosure to experts or other retained counsel and personnel of the same, to assist in the prosecution of this litigation, counsel shall inform such expert and/or personnel of the terms of this Order. Counsel shall deliver to said experts, other counsel, and personnel a copy of this Order and the certificate regarding confidentiality attached hereto, which shall be read and signed by such experts, other counsel and personnel before receiving any confidential materials.


Said documents shall be stamped confidential. Should any party seek to file the documents or portions of same with the Court in support of a motion or otherwise as part of this litigation, the documents filed shall be filed under seal.

In addition to the provisions set forth above, a party may designate documents as "Attorneys Eyes Only." Any documents designated as "Attorneys Eyes Only" shall be considered "Confidential" for the purposes of this Protective Order and shall also be subject to the additional protection that such information including, without limitation, any notes, oral or written summaries, abstracts or excerpts therefrom, may not be disclosed in any manner to the individual parties herein without order of the Court or the written consent of the party making the "Attorneys Eyes Only" designation.

IT IS FURTHER ORDERED that the documents to be produced by Greif and all copies of such documents shall be retained by counsel and shall be returned to

counsel for Greif, upon final resolution of this cause, subject to court order or agreement of the parties.

Date: 3-17-2009

  
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Judge Sargus  
United States District Court

AGREED:

/s/ Andrew C. Smith  
Andrew C. Smith (Trial Attorney) (0008136  
Thomas N. McCormick (0075496)  
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Attorneys for Greif, Inc.

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Attorney for Gary M. Corte

**CERTIFICATE REGARDING CONFIDENTIALITY**

I hereby certify that I have carefully read and fully understand the terms of the Protective Order entered and filed in the case captioned Greif, Inc. v. Gary M. Corte, Case No. 2:08cv509, pending in the United States District Court, Southern District of Ohio, Eastern Division. I recognize that I am bound by each of the terms of the Protective Order and agree to comply with those terms. I agree I will not use any confidential materials, confidential documents or information obtained from the confidential documents shown or given to me for any purpose other than in assisting counsel in this action with preparation of the trial of this action. I agree I will not disclose any confidential material, confidential documents or information obtained from the confidential documents to any person other than said counsel. At the conclusion of this lawsuit, I agree to return to said counsel all confidential materials, confidential documents and notes and/or memoranda which I make during the course of this lawsuit.

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

POSITION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

Relationship to Party Making Disclosure: \_\_\_\_\_

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served via CM/ECF on March 10, 2009, upon the following:

Thomas L. Imbrunone, Esq.  
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/s/Thomas N. McCormick  
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